



# PUBLIC NOTICE

**Federal Communications Commission**  
**445 12<sup>th</sup> St., S.W.**  
**Washington, D.C. 20554**

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**Released: September 6, 2012**

**PUBLIC SAFETY AND HOMELAND SECURITY BUREAU SEEKS COMMENT ON REQUEST  
FOR WAIVER FILED BY SOMERSET COUNTY, NEW JERSEY TO UPGRADE ITS PUBLIC  
SAFETY COMMUNICATIONS SYSTEM BY MODIFYING ITS SITES AND ADDING  
FREQUENCIES IN THE TELEVISION CHANNEL 19 (500-506 MHZ) BAND AND A PART 22  
FREQUENCY**

**File Nos. 0004598355, 0004598366, 0004598374, 0004598382, 0004983388, 0004993152, 0004994418,  
0004994929**

**Comment Date: September 20, 2012**

**Reply Comment Date: September 27, 2012**

The Public Safety and Homeland Security Bureau seeks comment on four applications for television spectrum and an associated waiver request,<sup>1</sup> and four applications for Part 22 spectrum and an associated waiver request<sup>2</sup> filed by Somerset County, New Jersey (Somerset or the County). Somerset seeks waiver relief, pursuant to Section 1.925 of the Commission's rules,<sup>3</sup> to permit its use of certain UHF television channels<sup>4</sup> and unassigned Part 22 paging control channels in the UHF 'T-Band.'<sup>5</sup> Specifically, Somerset seeks to "modify current licenses to adjust parameters, including new directional antenna patterns, and add additional frequencies at new or existing sites that are more than 50 miles from

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<sup>1</sup> See File No. 0004983388 (filed December 7, 2011, modification of Station WIK392), File No. 0004993152 (filed December 15, 2011, modification of Station WIK355), File No. 0004994418 (filed December 16, 2011, modification of Station WIL900) and File No. 0004994929 (filed December 16, 2011, modification of Station WPVM588). See also associated attachment Request for Waiver (TV Waiver Request), In Support Of Somerset County, NJ, Channel 19 TV Sharing Waiver Request (TV Waiver Support). We note that File Nos. 0004983388, 0004993152, 0004994418, and 0004994929 replaced four applications previously associated with the TV Waiver Request, File Nos. 0004624208, 0004624213, 0004625897, 0004625899 (filed February 22, 2011, amended November 3, 2011 and November 4, 2011), which have been dismissed at the request of Somerset.

<sup>2</sup> See File No. 0004598355 (filed February 1, 2011); File No. 0004598366 (filed February 1, 2011, modification of Station WPPB311), File No. 0004598374 (filed February 1, 2011, modification of Station WQBL367), and File No. 0004598382 (filed February 1, 2011, modification of Station WQBL360). See also associated attachments Request for Waiver (Part 22 Waiver Request), In Support Of Somerset County, NJ Part 22 UHF Frequency Waiver Request (Part 22 Waiver Support).

<sup>3</sup> See 47 C.F.R. § 1.925.

<sup>4</sup> TV Waiver Request at 1.

<sup>5</sup> Part 22 Waiver Request at 1.

Philadelphia.”<sup>6</sup> Somerset is proposing to add eight new Part 90 frequency pairs, six of which are in the television (TV) Channel 19 band (500-506 MHz),<sup>7</sup> and one Part 22 frequency,<sup>8</sup> to its existing licenses. Somerset requests waiver of Sections 22.621, 22.651, 90.303, 90.305(a), 90.307(d), 90.309 and 90.311 to permit use of the proposed frequencies as part of the County’s public safety radio communications system.<sup>9</sup> Somerset has also updated its request in light of recent developments involving the 470-512 MHz band (T-Band), which we summarize herein.<sup>10</sup>

Somerset states that “[i]n order to license certain frequencies at Green Brook, Verizon, Mountain Top and Bernards Township Water Tank sites it is necessary for the Commission to extend its waiver of §90.305 in regard to use of Channel 19 frequencies outside the 50 mile limit imposed by the Rules.”<sup>11</sup> The County also states that “other Somerset sites in this area have previously been waived.”<sup>12</sup> The TV Channel 19 band is available for private land mobile radio service (PLMRS) entities, including public safety entities, in the Philadelphia, Pennsylvania urbanized area.<sup>13</sup> Because the proposed frequencies are not available for use by PLMRS entities in the Northern New Jersey area, the County seeks a waiver of Section 90.305(a).<sup>14</sup> This rule provides that base station transmitter sites must be located within 80 kilometers (50 miles) from the geographic center of an urbanized area listed in Section 90.303.<sup>15</sup> Somerset proposes to operate in an area less than ninety miles from the adjacent TV Channel 18 Station WMBC, Montclair, New Jersey, as a result it requests a waiver of Section 90.307(d).<sup>16</sup>

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<sup>6</sup> TV Waiver Request at 1. Somerset is adding 7 new base stations ranging from 69.806 kilometers to 101.596 kilometers from Philadelphia, Pennsylvania coordinates. Somerset is also using 12 existing base stations ranging from 68.380 kilometers to 97.659 kilometers from Philadelphia, Pennsylvania coordinates. *See* File Nos. 0004983388, 0004993152, 0004994418, and 0004994929.

<sup>7</sup> The Part 90 frequencies are 477/480.4500, 477/480.7750, 500/503.3250, 500/503.8000, 500/503.9500, 501/504.6750, 502/505.5250, and 502/505.5500 MHz. *See* File Nos. 0004983388, 0004993152, 0004994418, and 0004994929. Somerset does not need a waiver of any rules for frequencies 477/480.4500 and 477/480.7750 MHz because frequencies within the TV Channel 15 band are available to the private land mobile radio service in the New York/Northeast New Jersey urbanized area, where Somerset is located. *See* 47 C.F.R. §§ 90.303, 90.305(a). The remaining six frequencies are in the TV Channel 19 band and are subject to the TV Waiver Request.

<sup>8</sup> The Part 22 frequency is 473.1375 MHz. *See also* File Nos. 0004598355, 0004598366, 0004598374 and 0004598382.

<sup>9</sup> *See supra* note 4, 5. *See also* 47 C.F.R. §§ 22.621, 22.651, 90.303, 90.305(a), 90.307(d), 90.309, 90.311. Somerset also would need a waiver of 47 C.F.R. §§ 20.9(a)(6) and 22.623(b). Since frequency 473.1375 MHz is listed only in § 22.651, a waiver of § 22.621 is unnecessary.

<sup>10</sup> *See* File Nos. 0004598355, 0004598366, 0004598374, 0004598382, 0004983388, 0004993152, 0004994418, and 0004994929, attachment entitled, Request for Waiver (filed May 02, 2012) (Freeze Waiver Request).

<sup>11</sup> TV Waiver Support at 3.

<sup>12</sup> *Id.*

<sup>13</sup> *See* 47 C.F.R. §§ 90.303, 90.305(a).

<sup>14</sup> *See* TV Waiver Request at 1.

<sup>15</sup> *See* 47 C.F.R. §§ 90.303, 90.305(a).

<sup>16</sup> *See* TV Waiver Request at 1. *See also* 47 C.F.R. § 90.307(d). A land mobile base station which has associated mobile units must be separated from a protected adjacent channel television station by a minimum distance of 145 kilometers (90 miles). Somerset’s 7 new base stations would range from 33.910 kilometers to 60.561 kilometers from Station WMBC. Somerset’s 12 existing base stations range from 32.329 kilometers to 62.454 kilometers from Station WMBC.

In support of its four applications for television spectrum, Somerset obtained concurrences from Stations WPPZ550, MIC Talk, Inc.; WPMU674 and WIM582, Northampton County, PA; WIL678, Monmouth County; WQBH754, KEF776 and WPYP906, Southeastern Pennsylvania Transportation Authority; and WQMG213, Home Box Office.<sup>17</sup> Somerset also entered into a Memorandum of Understanding with Mountain Broadcasting Corporation, the licensee of Station WMBC.<sup>18</sup> The Association of Public-Safety Communications Officials International, Inc., an FCC-certified frequency advisory committee, coordinated Somerset's Part 90 applications.<sup>19</sup>

In two of these applications, Somerset seeks a waiver of Section 90.311(a)(2) of the Commission's rules<sup>20</sup> because the frequency pair 477.7750/480.7750 MHz is allocated to the Business Radio Service.<sup>21</sup> The County states that the "channel is licensed to two business entities, WQOF281, Laing Electronics in Nassau County, NY and [WPXS787], Repeater Network, LLC, Pomona, NY."<sup>22</sup> Somerset states that these licenses "are separated from the closest proposed Somerset site by 98 and 79 km respectively,"<sup>23</sup> so that "the separation between those users and the proposed Somerset sites also exceeds the 64 km normally applied as minimum separation between co-channel users."<sup>24</sup> In support of the waiver, Somerset notes that it "has for many years operated on another channel (501/505.9125 MHz) shared with business licensees."<sup>25</sup> Somerset further notes that frequency pair 477.7750/480.7750 MHz already supports multiple categories of users because Lancaster County, Pennsylvania is authorized on this channel for public safety operations.<sup>26</sup>

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<sup>17</sup> See File Nos. 0004983388, 0004993152, 0004994418, and 0004994929, attachment, Somerset County, NJ, Exhibit D, Letters of Concurrence: Letter from Elizabeth R. Sachs, Lukas, Nace, Gutierrez and Sachs, LLP to Mr. Thomas H. Shuler, Blue Wing Services (April 14, 2010); Letter from Todd K. Weaver, ENP, Deputy Director of Systems, County of Northampton, Department of Administration, to Somerset County NJ, Department of Emergency Management (Sept. 7, 2010); Letter from Shaun Golden, Acting Sheriff, Monmouth County Sheriff's Office to County of Somerset, NJ Office of Emergency Management (Sept. 1, 2010); Letter from Michael Monastero, Chief Operating Officer, Communications & Signals, Southeastern Pennsylvania Transportation Authority to Mr. Roy Gunzelman, Somerset County, Office of Emergency Management (August 23, 2010); Letter from Rebekah Calabrese, Vice President, Business Initiatives, Home Box Office to Mr. William Stahl, Acting Director, Somerset County Emergency Operations Center (Oct. 25, 2010). See also Memorandum of Understanding (MOU) between the County of Somerset, New Jersey and Mountain Broadcasting Corporation (November 18, 2010).

<sup>18</sup> *Id.* Station WMBC operates on TV Channel 18 adjacent to Somerset's proposed TV Channel 19.

<sup>19</sup> See File Nos. 0004983388, 0004993152, 0004994418, and 0004994929.

<sup>20</sup> 47 C.F.R. § 90.311(a)(2). This rule provides that once a channel in the 470-512 MHz band is assigned in a given urbanized area (as listed and defined in 47 C.F.R. §§ 90.303, 90.305), subsequent authorizations to use the channel within the same urbanized area will be granted only to users of the same category. *Id.*

<sup>21</sup> See File Nos. 0004983388 and 0004993152, attached Request for Waiver 477.7750/480.7750 MHz (Waiver Request for § 90.311(a)(2)).

<sup>22</sup> Waiver Request for § 90.311(a)(2) at 1.

<sup>23</sup> *Id.*

<sup>24</sup> *Id.*

<sup>25</sup> *Id.* at 2. See call signs WPPZ550 (MIC Talk, Inc. at 38.6 km), WIG454 (Security Guards, Inc at 95 km) and WPRJ813 (Triangle Communications at 112 km) from the Johnston Rd site of Somerset County.

<sup>26</sup> Waiver Request for § 90.311(a)(2) at 2.

Regarding the Part 22 frequency, 473.1375 MHz,<sup>27</sup> Somerset seeks waiver of Section 22.651, which reserves this frequency and others for assignment to transmitters providing trunked public mobile service in certain urbanized areas.<sup>28</sup> Somerset also requests waiver of “such other of the Commission’s rules as may be necessary.”<sup>29</sup> We have determined that in addition to a waiver of Section 22.651, Somerset also requires a waiver of Section 20.9(a)(6), which provides that Part 22 frequencies shall be regulated as a commercial mobile radio service; and Section 22.623(b), which provides that the channels may be assigned in an unpaired configuration only to control base stations in the public mobile service.<sup>30</sup>

Somerset states that it is currently licensed to operate “various Channel 14 and 15 Part 22 frequencies” at its radio sites under call signs WPPB311, WQBL360, WQBL367, and that it is licensed for Channel 14, 15 and 19 public safety frequencies under call signs WIL900, WPVM588, WIK355, and WIK392.<sup>31</sup> The County states that the frequencies included in the WPPB311, WQBL360 and WQBL367 authorizations were granted in July, 2004,<sup>32</sup> when Somerset obtained a conditional waiver to operate on Channel 19 frequencies.<sup>33</sup>

The County states that its radio system “serves all public-safety and municipal services, including police, fire, EMS, emergency management, roads and bridges, water, sewer, and elder transportation” and “[t]hrough its interoperable capabilities Somerset system participants can communicate on the UHF (450-512 MHz) band with a myriad of state and local agencies.”<sup>34</sup> Somerset asserts that “[t]he purpose of this request is to license additional frequencies at new or existing sites and to re-license various, existing channels at new sites using directional antenna patterns, ERP and AGL” and “correcting erroneous site coordinates at some existing sites.”<sup>35</sup> Somerset asserts that “the modifications to the existing licenses do not alter the ‘footprint’ of coverage beyond that of the current system and would not otherwise create interference.”<sup>36</sup>

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<sup>27</sup> See *supra* note 8.

<sup>28</sup> 47 C.F.R. §§ 22.621, 22.651.

<sup>29</sup> Part 22 Waiver Request at 1.

<sup>30</sup> 47 C.F.R. §§ 20.9(a)(6), 22.623(b).

<sup>31</sup> Part 22 Waiver Support at 1.

<sup>32</sup> *Id.* See Seven Public Safety Agencies in the New York Metropolitan Area, *Order*, 19 FCC Rcd 15355 (WTB PSCID 2004).

<sup>33</sup> See licenses for Stations WPVM588, WIL900, WIK355, and WIK392. Stations WPVM588 and WIL900 have nearly identical conditions, as follows: “Grant of this Waiver is subject to the conditions that your base stations: (1) may not cause harmful interference to co-and adjacent channel TV reception within the grade B contour of any channel 20 (506-512 MHz) TV station; (2) must accept any interference from TV stations operating in accordance with their [station] authorizations; and (3) may not cause harmful interference to TV reception of [TV] stations authorized in accordance with the digital television (DTV) table established in advanced television systems and their impact upon the existing television broadcast service, MM Docket No. 87-268, Memorandum Opinion and Order on Reconsideration of the sixth Report and Order, FCC98-24 (Rel. Feb. 23, 1998).” Station WIK355 is conditioned as follows: “Authorized by waiver of rule 90.305(a) granted 2-2-90.” There are no special conditions on Station WIK392.

<sup>34</sup> Part 22 Waiver Support at 1.

<sup>35</sup> Part 22 Waiver Support at 2.

<sup>36</sup> TV Waiver Request at 2.

Somerset further states that Public Safety Pool channels in the UHF band “are not available to meet the County’s requirements, and the additional channels requested can be used without causing interference to existing licensees.”<sup>37</sup> With respect to the 700 MHz band, the County states that while some 700 MHz channels are available, these channels “are not compatible with the existing, established county-wide system.”<sup>38</sup> Hence, Somerset asserts that the use of 700 MHz would cause “a far greater expense and hardship than could be reasonably imposed on any governmental entity and its local funding base.”<sup>39</sup> Somerset also states that it has explored the possibility of adding public safety pool channels in the 450-512 MHz band, but concludes that “no channels [are] available.”<sup>40</sup>

We note that the Commission requires private land mobile radio licensees in the 150-174 MHz and 450-470 MHz bands to narrowband from 25 kilohertz to 12.5 kilohertz bandwidth by no later than January 1, 2013.<sup>41</sup> Somerset holds several licenses in these frequency ranges that are currently operating in wideband mode and narrowband mode.<sup>42</sup> Somerset states that it “is upgrading and expanding its radio system to meet growing demands and to comply with the commission’s narrowbanding requirements.”<sup>43</sup> The County asserts that its “plan is designed to be fully implemented by January, 2013, at which time all channels will be operating in the 12.5 kHz narrowband mode.”<sup>44</sup> We seek comment on whether the Commission should consider the applicant’s current progress in achieving this requirement or other measures of spectrum efficiency when determining whether or not the public interest supports the instant waiver request pursuant to rule Section 1.925.

On April 26, 2012, the Wireless Telecommunications Bureau and the Public Safety and Homeland Security Bureau (Bureaus) issued a public notice announcing a limited suspension of the acceptance and processing of certain applications for Part 22 and Part 90 services operating in the 470-512 MHz spectrum band (T-Band)<sup>45</sup> that could alter the spectrum landscape. The purpose of the suspension is to stabilize the spectral environment while the Commission considers issues surrounding future use of the T-Band and implementation of the Spectrum Act.<sup>46</sup> Specifically, the Bureaus will not

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<sup>37</sup> *Id.* at 1.

<sup>38</sup> Part 22 Waiver Support at 2. TV Waiver Support at 2.

<sup>39</sup> *Id.*

<sup>40</sup> Part 22 Waiver Support at 3. TV Waiver Support at 3.

<sup>41</sup> See Implementation of Sections 309(j) and 337 of the Communications Act of 1934 as Amended; Promotion of Spectrum Efficient Technologies on Certain Part 90 Frequencies, WT Docket No. 99-87, RM-9332, *Third Memorandum Opinion and Order and Third Further Notice of Proposed Rule Making and Order*, 19 FCC Rcd 25045 (2004). See also 47 C.F.R. §§ 90.209(b)(5)-(6). On April 26, 2012, the Wireless Telecommunications Bureau, Public Safety and Homeland Security Bureau, and Office of Engineering and Technology waived the January 1, 2013 narrowbanding deadline for 470-512 MHz band frequencies. See Implementation of Sections 309(j) and 337 of the Communications Act of 1934 as Amended; Promotion of Spectrum Efficient Technologies on Certain Part 90 Frequencies, *Order*, WT Docket No. 99-87, RM-9332, 27 FCC Rcd 4213 (WTB/PSHSB/OET 2012).

<sup>42</sup> Part 22 Waiver Support at 1. TV Waiver Support at 2.

<sup>43</sup> TV Waiver Request at 1.

<sup>44</sup> Part 22 Waiver Support at 2.

<sup>45</sup> Wireless Telecommunications Bureau and Public Safety and Homeland Security Bureau Suspend the Acceptance and Processing of Certain Part 22 and 90 Applications for 470-512 MHz (T-Band) Spectrum, *Public Notice*, 27 FCC Rcd 4218 (WTB/PSHSB 2012) (*Suspension Notice*).

<sup>46</sup> *Id.* at 1-2.



accept or process applications that seek to modify existing licenses by, *inter alia*, adding frequencies,<sup>47</sup> which affects Somerset's applications. The *Suspension Notice* provides that applicants may have recourse to the waiver provisions in Section 1.925 to request an exception to the filing and processing suspension.<sup>48</sup>

Accordingly, Somerset filed a request for waiver of the *Suspension Notice*.<sup>49</sup> Somerset states that while its "applications include a request for additional T-Band channels," the "grant of the applications would also lead to a reduction in the coverage contours of the County's current system, and a net reduction in the number of sites operating in the T-Band."<sup>50</sup> Somerset states that its "system requires a number of upgrades to improve capacity, efficiency and reliability."<sup>51</sup> Somerset asserts that "[i]n some cases, new 12.5 kHz offset channels are requested to avoid co-channel interference with another licensee, the Southeastern Pennsylvania Transportation Authority (SEPTA), which has completed the narrowbanding of its radio system."<sup>52</sup> Furthermore, Somerset states that "[a]dditional capacity is also needed to alleviate regular system overloads and to accommodate the many local public safety agencies that have moved, or intend to move, to the County's multi-agency, interoperable radio system."<sup>53</sup> Somerset reiterates that it has no reasonable alternative and argues that "[t]here are no other 450-512 MHz Public Safety Pool channels available, and frequencies from other bands would be incompatible with the County's existing infrastructure and mobile/portable radios."<sup>54</sup> Somerset concludes that "the applications do not expand the coverage area" and "the net result of the pending applications is a reduction, rather than an expansion, of the County's service area."<sup>55</sup> We seek comment on Somerset's request for waiver of the *Suspension Notice*.

Pursuant to Sections 1.415 and 1.419 of the Commission's rules, 47 C.F.R. §§ 1.415, 1.419, interested parties may file comments and reply comments on or before the dates indicated on the first page of this *Public Notice*. All comments and reply comments should reference the subject Waiver Request and the DA number indicated on this *Public Notice*. Parties may file statements and replies: (1) electronically by accessing the applicant's file number(s) in the Commission's Universal Service Licensing System (ULS),<sup>56</sup> or (2) by filing paper copies.

- Electronic Filers: Pleadings may be submitted electronically as follows:

From the ULS website at <http://wireless.fcc.gov/uls/>, begin the process of submitting a pleading by clicking on the "ULS Pleadings" link in the menu on the lower left side of the ULS web page. The

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<sup>47</sup> See *id.* at 2.

<sup>48</sup> *Id.*, note 4.

<sup>49</sup> See Freeze Waiver Request.

<sup>50</sup> *Id.* at 1.

<sup>51</sup> *Id.*

<sup>52</sup> *Id.* 1-2.

<sup>53</sup> *Id.* at 2.

<sup>54</sup> *Id.*

<sup>55</sup> *Id.* at 3.

<sup>56</sup> See "Wireless Telecommunications Bureau Enhances the Commission's Universal Licensing System to Implement Electronic Filing for Pleadings," *Public Notice*, 21 FCC Rcd 424 (WTB 2006). See [http://hraunfoss.fcc.gov/edocs\\_public/attachmatch/DA-06-125A1.pdf](http://hraunfoss.fcc.gov/edocs_public/attachmatch/DA-06-125A1.pdf).

link will take you to the “*Pleading Information*” screen for “Non-docketed Pleadings” where you select “Reply” in the drop-down window for the type of pleading and then enter the pleadings filer information. Completion of the contact information is optional. Upon completion of this screen, please note the instructions for the filing: “*Pleadings must be dated and must include a signature, in this instance an electronic signature, and the address and phone number of the signing party.*”<sup>57</sup> Click on “CONTINUE.”

The second step is to complete the *File Numbers/Call Signs* screen. Click if the pleading pertains to a File Number or Call Sign and enter the File Number or Call Sign. Please note that you must enter a File Number or Call Sign to continue. If the pleading pertains to multiple applications or licenses, you must enter each File Number or Call Sign as appropriate. After clicking the “SUBMIT” button, the screen will update to show all the File Numbers/Call Signs associated with the pleading. At this time, you may delete selected File Numbers/Call Signs from the page before continuing.

The third step is to complete the *Attach File* screen to attach the pleading document. Use the drop down box to select Pleading or Confidential Pleading. The “BROWSE” button opens a file upload window where you will locate and select your pleading file. The Description field allows you to enter a brief description for the pleading. Click the “ADD ATTACHMENT” button to upload your pleading. You may submit up to thirty files for each pleading but each file must be smaller than 10 MB in size. You also have the opportunity to delete any selected file from the pleading.

Finally, to complete your electronic pleading submission, click on the “SUBMIT PLEADING” button and the *Confirmation* screen will be displayed. The *Confirmation* screen will display your Confirmation Number as well as your entered pleadings information. You may print this page for your records by selecting the Print Page link at the top of the page and have the option of submitting another pleading or returning to the ULS website by selecting a link at the bottom of the page.

The ULS Application and License Search results will display pleadings under the ADMIN tab when a comment or reply comment has been filed. Users can view the pleading by clicking on the link for the specific comment or reply comment in the Description field. The general public will not be able to view confidential pleadings.

For additional information or assistance on how to file a comment or reply comment or other relevant pleading, you may visit the Web at <http://esupport.fcc.gov>. You may also call the FCC ULS Customer Support Center at (877) 480-3201 and select option 2, or (888) 225-5322 and select Option 2, or (717) 338-2888. For TTY, please call (717) 338-2824. Assistance from the FCC ULS Customer Support Center is available between the hours of 8 a.m. to 6:00 p.m. Eastern Time, Monday through Friday (except Federal holidays). To provide quality service and ensure security, all telephone calls to FCC ULS Customer Support Center are recorded.

- Paper Filers: Parties who choose to file by paper must submit an original and four copies of each filing.

Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). All filings must be addressed to the Commission’s Secretary, Office of the Secretary, Federal Communications Commission.

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<sup>57</sup> See 47 C.F.R. Part 1.

- Effective December 28, 2009, all hand-delivered or messenger-delivered paper filings for the Commission's Secretary must be delivered to FCC Headquarters at 445 12th St., SW, Room TW-A325, Washington, DC 20554. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building. The filing hours at this location are 8:00 a.m. to 7:00 p.m. **PLEASE NOTE:** The Commission's former filing location at 236 Massachusetts Avenue, NE is permanently closed.
- Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743.
- U.S. Postal Service first-class, Express, and Priority mail must be addressed to 445 12<sup>th</sup> Street, SW, Washington DC 20554.

The application(s), waiver request, and comments and reply comments can be accessed electronically via the Commission's Universal Licensing System, <http://wireless.fcc.gov/uls>. The full text of the Waiver Request, comments and reply comments will be available for inspection and duplication during regular business hours in the FCC Reference Information Center (RIC) of the Consumer and Governmental Affairs Bureau, Federal Communications Commission, 445 12<sup>th</sup> Street, S.W., Room CY-A257, Washington, DC 20554. Copies may be purchased from the Commission's duplicating contractor, Best Copy and Printing, Inc. (BCPI), Portals II, 445 12<sup>th</sup> Street, S.W., Room CY-B402, Washington, DC 20554. Customers may contact BCPI through its web site, <http://www.bcpweb.com>, by email at [fcc@bcpweb.com](mailto:fcc@bcpweb.com), by phone at (202) 488-5300 or (800) 378-3160, or by facsimile at (202) 488-5563. For further information regarding the public reference file for this waiver request, contact Lisa Williams, RIC, (202) 418-1352.

Because of the policy implications and potential impact of this proceeding on persons not party to these Applications, it is in the public interest to treat this case as a permit-but-disclose proceeding under the *ex parte* rules. See Sections 1.1200(a) and 1.1206 of the Commission's rules, 47 C.F.R. §§ 1.1200(a) and 1.1206. Therefore, subsequent to the release of this *Public Notice*, *ex parte* presentations that are made with respect to the issues involved in the subject waiver request will be allowed, but must be disclosed in accordance with the requirements of Section 1.1206(b) of the Commission's rules, 47 C.F.R. § 1.1206(b).

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For further information, contact Mr. David Siehl of the Policy and Licensing Division, Public Safety and Homeland Security Bureau at (202) 418-1313 (voice), (202) 418-7233 (tty), or via e-mail to [David.Siehl@fcc.gov](mailto:David.Siehl@fcc.gov).

By the Deputy Chief, Public Safety and Homeland Security Bureau.

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